

REMARKS

The Office action of July 27, 2009 has been carefully considered and the application has been amended accordingly.

Claims 1, 6, 7 and 8 are present in the application. Claims 2-5, 9 and 10 have been cancelled.

In relation to the amendments, it should be appreciated that a key benefit of applicants' pad is that the glycerin keeps the polyurethane soft while allowing exudate from wounds to be absorbed by the pad/sponge, the gentian violet is sufficient to kill pathogens, and the gentian violet does not transfer to the patient's skin. As stated under "Actions:" in the publication "drug facts and comparisons" cited by the Examiner, "Because of its cosmetic effects and staining of clothing, gentian violet has generally been replaced in practice by other topical agents." Further, under the heading "Patient Information:" the publication states, "Gentian violet will stain skin and clothing. Do not apply to an ulcerative lesion; may result in 'tattooing' of the skin." Applicants' claimed invention avoids the undesirable features described by the publication. See the specification at page 10, lines 22-30. Also, in the first full paragraph on page 10, it is discussed that the amount of gentian violet must be used in correct volumes so as not to impede adsorption of exudate. In other words, once the pad is dried, by eliminating the water, there is adequate volume in the sponge to absorb exudate.

Claim 7 is directed to a particularly useful feature of the invention and is believed allowable with parent claim 1.

The patent to Richter *et al.* does not teach the particular antimicrobial dye and does not, therefore, encounter the known problem of staining of skin and clothing by gentian violet. This

problem has been solved by applicants' invention. The device of Shanbrom is known to create staining during use. Thus the combined citations do not teach or suggest the claimed invention. It is respectfully submitted that the amendments to claim 8 do not constitute new matter. The specification clearly describes applicants' results and the functional language added to claim 8 does not add new structure to the claim. Regarding process claims 1, 6 and 7, the claimed processes will, inherently, produce the non-staining feature of applicants' invention as stated in the specification, and it is not seen that functional language need be added to the claimed process.

In view of the foregoing amendments and remarks, reconsideration of the application is requested and allowance of the application is courteously solicited.

Applicants' attorney would appreciate a telephone conference with the Examiner in the event that allowance is not forthcoming. Comparable claims are in the process of being allowed by the European Patent Office in a corresponding application. Use of the Patent Highway procedure may be appropriate in the present application.

Respectfully submitted,

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